

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULIE BALLOU,

Plaintiff,

v.

JAMES MCELVAIN et al.,

Defendants.

CASE NO. 3:19-cv-05002-DGE

ORDER DENYING WITHOUT
PREJUDICE DEFENDANT CITY
OF VANCOUVER’S MOTION FOR
LEAVE TO DEPOSIT FUNDS
INTO COURT REGISTRY (DKT.
NO. 240)

Defendant City of Vancouver seeks leave to deposit into the court registry the costs and attorney fees awarded to Plaintiff pursuant to Federal Rule of Civil Procedure 67. (Dkt. No. 240.) The City, however, has not moved to stay execution of the judgment awarding costs and attorney fees. And while the City seeks to “halt[] the accrual of any post-judgment interest” (*id.* at 1) pending its appeal, the City has not identified *why* post-judgment interest should not accrue pending appeal in this case.

In *Shaver Transp. Co. v. Chamberlain*, 399 F.2d 893, 895 (9th Cir. 1968), after the appellant paid the judgment into the court registry pursuant to Rule 67, the “[a]ppellee then

1 withdrew the deposit—highlighting that there was nothing in place preventing withdrawal. As in
2 *Shaver*, nothing would prevent Plaintiff from moving to withdraw funds from the court registry
3 to satisfy the judgment. And from the Court’s perspective, there is no point to utilizing the court
4 registry to transfer funds from the City to the Plaintiff.

5 Notwithstanding, the Court presumes the City’s true intent is to restrict Plaintiff’s access
6 to funds deposited into the court registry thereby effectively staying enforcement of the
7 judgment. Yet, the City has not moved to stay enforcement of the judgment. And while it may
8 be true that funds deposited into the court registry pursuant to Rule 67 can halt the accrual of
9 post-judgment interest, the City offers no reason why Plaintiff’s right to post-judgment interest
10 should be eliminated pending a decision on the City’s appeal.

11 Accordingly, the City’s motion (Dkt. No. 240) for leave to deposit funds into the court
12 registry is DENIED without prejudice. The motion may be renewed in conjunction with a
13 motion to stay execution of the judgment that addresses both the basis for the stay and the basis
14 for denying Plaintiff post-judgment interest pending appeal.

15 Dated this 12th day of August, 2024.

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David G. Estudillo
United States District Judge